

# Request for Council Action

Originator Community Development	Item <b>Appeal of Planning Commission Condition of Approval and Code Interpretation - Jennifer Development</b>
Agenda Section Development Business	Date 3/16/2015
Description	

## GENERAL INFORMATION

Applicant: Jennifer Development Company, Inc. (owner)

Location: 10701 Hampshire Avenue

Request: Appeal of Planning Commission Condition of Approval and Code Interpretation.

## UPDATE

At the time this staff report was submitted, the City and applicant were putting the finishing touches on a public improvements agreement. The agreement is contained in a separate agenda item and includes a provision that withdraws the appeal request upon approval of the agreement. Therefore, if the agreement is approved, no action is required on this item. If the agreement is not approved, the Council will need to take action on the appeal. In that event, staff recommends denial of the appeal.

## DEADLINE FOR AGENCY ACTION

Application Date: 10/15/14  
60 Days: 12/13/14  
120 Days: 02/11/15  
**Applicable Deadline: 03/17/15 (extended by Applicant)**

## STAFF CONTACT

Michael Centinario, Planner (952) 563-8921  
[mcentinario@bloomingtonmn.gov](mailto:mcentinario@bloomingtonmn.gov)

---

## Requested Action

Staff recommends the City Council approve the agreement related to the delayed construction of sidewalk along Hampshire Avenue South and the construction of a 10-foot bituminous trail along West Old Shakopee Road presented in the preceding agenda item. Should the City Council reject the proposed agreement, staff recommends the City Council adopt a Resolution of Denial for the Appeal of the Planning Commission Condition of Approval and Code Interpretation.

---

## Attachments:

Staff Report  
Applicant's Continuance Request and Extension of Agency Action Deadline  
Cost Estimates - Sidewalks  
Appeal of Planning Commission Decision

Notification Map  
Narrative for Final Site and Building Plan Application  
Plans Submitted  
Planning Commission Minutes  
Letter from Applicant's Attorney  
Associate City Attorney Opinion  
Public Works Review  
DRC Minutes